

To enable the Agency to conduct an election within this time period, an employee must file the petition between 150 and 90 calendar days before the expiration date of the agreement. 8 AAC 97.060(e)(3). A valid collective bargaining agreement does not bar an election, however, if an employee who is a member of the bargaining unit files the petition and more than three years have elapsed since the execution or last time renewal of the agreement. The Agency may not conduct an election if it conducted an election in the bargaining unit or a subdivision of the bargaining unit within twelve months preceding the date of filing the petition. AS 23.40.100 (c). If you have any questions regarding the appropriate time to file a petition, please contact the Agency.

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## How do you file a petition?

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A petition must include the name and address of the employer and the employer's representative, including the representative's title. In addition, the petition must include a description of the bargaining unit that is the subject of the petition and the approximate number of employees in the unit. If the petitioner is a union or employee organization, the petitioner must provide its name and affiliation, if any, and their addresses, facsimiles machine, and telephone numbers. It must also provide its current roster of officers and representatives and its constitution and bylaws. The petition must be accompanied by showing of interest of employees in the bargaining unit in support of the petition. The showing of interest requirements are explained in 8 AAC 97.025(c) and 8 AAC 97.030(b). Petition forms are available at the Agency and on the web site for your convenience. To file a petition with the Agency, a party must mail or deliver the documents to the Agency office. The date of filing is the date of receipt by the Agency. An Agency representative can answer your questions regarding representation petitions and can assist you in completing the petition forms.

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## What can you expect if you file a petition?

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Upon receipt of a certification or decertification petition, the Agency must investigate to determine whether there is a reasonable cause to believe that a question of representation exists and whether the proposed bargaining unit is an

appropriate unit for collective bargaining purposes. AS 23.40.100. The sufficiency of the "showing of interest" must be investigated. If the petition is not supported by thirty percent of the employees in the proposed bargaining unit, it will be dismissed. If the petition meets PERA's requirements, it is posted in the employer's work place for fifteen calendar days. During this posting period, interested parties may file objections to the petition. If objections are filed or the appropriateness of the proposed bargaining unit is questioned, the Agency schedules a hearing. After the hearing, the Alaska Labor Relations Board issues a decision ordering an election or dismissing the petition.

Upon receipt of a unit clarification petition, it is reviewed for sufficiency to see if it substantially fulfills the requirements of 8 AAC 97.050(b). If sufficient, parties are notified an investigation is being conducted. A preliminary finding after investigation is issued, either recommending a dismissal because there is no reasonable cause to believe a question of unit clarification exists, or recommending that the case proceed to hearing because a dispute of facts remains. Following the hearing, the Alaska Labor Relations Board issues decision placing the position in the appropriate unit.

Unit amendment petitions are handled differently. Upon receipt of a valid petition, the Agency posts the petition and schedules a hearing if an objection is filed. Following the hearing, the Alaska Labor Relations Board issues a decision approving or denying the amendment.

Decisions of the Alaska Labor Relations Board are appealable to the Superior Court.

**ALASKA LABOR  
RELATIONS AGENCY**  
**1016 West 6<sup>th</sup> Avenue, Suite 403**  
**ANCHORAGE, ALASKA 99501-1963**  
**(907) 269-4895**  
**FAX (907) 269-4898**  
**Website: <http://www.labor.state.ak.us/laborr/home.htm>**

# The Alaska Labor Relations Agency and You

## Representation Cases

This pamphlet explains what the Alaska Labor Relations Agency is and what it does when an employee association files a petition for recognition as the bargaining agent of a group of public employees. Although the pamphlet can not answer all questions, it does attempt to cover the most common questions asked the Agency.

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## What is the Alaska Labor Relations Agency?

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The Alaska Labor Relations Agency is an impartial and independent agency within the Department of Labor. It consists of six board members, appointed by the governor and confirmed by the legislature, and four staff members: hearing examiner/administrator, hearing officer, human resource specialist I, and administrative clerk III. The Agency administers the Public Employment Relations Act and railroad labor laws and serves as the labor relations agency for most public employers and employees in the state: State, municipalities that have not rejected PERA, Alaska Railroad, and school districts.

The Alaska Legislature has empowered the Agency under the Public Employment Relations Act and the Alaska Railroad Corporation Act to conduct secret ballot elections so employees of public employers in the State may choose whether a union or employee organization should represent them for bargaining purposes. A secret ballot election will be conducted only when a petition requesting an election is filled in the prescribed manner. Such a petition must be filed with the Agency, which has petition forms available upon request online at "<http://www.labor.state.ak.us/laborr/home.htm>". An original and one copy must be filed with the Agency. The date of filing shall be the date of receipt of the document by the Agency.

## Types of Petitions

### 1. Certification of Public Employee Representative (RC)

This petition, which is normally filed by a union or employee organization, seeks an election to determine whether employees wish to be represented by a labor or employee organization. The signatures of 30 percent or more of the employees in the bargaining unit sought must support it. These signatures may be on separate cards or on a single piece of paper. This designation, or “showing of interest,” must contain a statement that the employees want to be represented for the purposes of collective bargaining by a specific labor or employee organization, and it must be signed and dated by the employees during the 120 days immediately preceding the filing of the petition and contain the employees job classifications. The showing of interest cards are to be filed only with the Agency. AS 23.40.100 and 8 AAC 97.025.

### 2. Decertification of Public Employee Representative (RD)

The petition, which can be filed by an individual, or a labor, or employee organization, seeks an election to determine whether the authority of the union or employee organization to act as a bargaining representative of employees should continue. The signatures of 30 percent or more of the employees in the bargaining unit represented are required. These signatures may be on separate cards or on a single piece of paper. This “showing of interest” must state that the employees do not wish to be represented for the purposes of collective bargaining by the existing labor or employee organization. The showing of interest must be signed and dated during the 120 days immediately preceding the filing of petition, and it must contain the employees job classifications. The showing of interest cards are to be filed only with the Agency. AS 23.40.100 and 8 AAC 97.030.

### 3. Certification by Public Employer (RM)

When one or more labor or employee organizations present a public employer with a claim to be recognized as the bargaining representative for a unit of employees, the public employer may petition this Agency to conduct a representation election. The public employer must have a good faith doubt concerning whether the majority of employees in the unit support the labor or employee organization. It must provide a brief description of the unit, the work locations and classifications of employees sought to be included and excluded, and the approximate number of employees in the unit claimed to be appropriate. AS 23.40.100 and 8 AAC 97.040.

### 4. Clarification of Unit (UC)

The public employee representative certified by the Alaska Labor Relations Agency or recognized by the public employer may file a petition for clarification of the membership of a bargaining unit, for example, determining whether a classification is properly a part of that unit based on such factors as community of interest, wage and hours, and other working conditions of the employees, the history of collective bargaining, and the desires of the employees. The petition must contain a description of the present bargaining unit, the date of certification or recognition, the proposed clarification, and the reason clarification is requested. It can not raise a question of representation. 8 AAC 97.050.

### 5. Amendment of Certification (AC)

The public employee representative certified by the Alaska Labor Relations Agency or currently recognized by the public employer may file a petition to amend the Agency’s certification of a bargaining representative to reflect changed circumstances such as changes in the name or affiliation of the labor or employee organization. The petition must contain a description of the present bargaining unit, the date of certification or recognition, the proposed amendment, and the reasons why amendment is requested. 8 AAC 97.050.

If you have questions about these petitions, please contact the Agency. If you wish to decertify an existing labor organization and certify a new one, please contact the agency to discuss filing.

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## What is a “bargaining unit”?

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A bargaining unit is a group of two or more employees who share a community of interest and who may be reasonably grouped together for purpose of collective bargaining. The Agency is responsible to determine the appropriate unit. The type of work performed by the employees may determine a unit. Examples of this kind of unit include supervisory employees’ units and maintenance employees’ units. A unit may also be determined by the location of the employees. The key consideration in determining the appropriateness of a bargaining unit is the community of interest of the employees involved. In determining community of interest, the Agency will consider similarities in skills, interests, duties, working conditions, and the nature of the employer’s organization. The Agency may also consider history of collective bargaining and the desires of the affected employees. Bargaining units shall be as large as is reasonable, and unnecessary fragmenting shall be avoided. (AS 23.40.090)

If you have any questions about “bargaining units,” or questions about whether you are a member of a unit, please contact the Agency.

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## When can a petition be filed?

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The legislature has adopted rules that establish when employees who are covered by an existing contract may file a representation petition. Under these “contract bar” rules, the Agency may not conduct an election in a bargaining unit in which a valid collective bargaining agreement is in force except during a 90-day period preceding the expiration date of the agreement. AS 23.40.100 (e) and 8 AAC 97.060.